

REMARKS

Claim Objection

Claims 32 and 33 have been objected to due to the terminology "product", rather than -- material--. Applicant has corrected claims 32 and 33 as suggested by the Examiner, regarding this terminology. Therefore, the objection is moot.

Claim Rejections

Claim 35 has been rejected under 35 U.S.C. § 112 due to lack of antecedent support for "pressure control means". Applicant has amended claim 35 so as to overcome this rejection. Therefore, Applicant respectfully requests that the § 112 rejection be withdrawn.

Claims 21-24, 26 and 27 have been rejected under 35 U.S.C. § 103 as being obvious over Knapp in view of Kregell '204. Claim 25 has been rejected under § 103 in view of Knapp, Kregell and Pereira. Claims 29, 31, 32, 34 and 35 have been rejected under § 103 as being obvious over Kregell '148. Claim 30 has been rejected under s '148. Claim 30 has been rejected under § 103 as being obvious over Kregell '148 in view of Knapp. Claim 33 has been rejected under § 103 as being obvious over the combination of Kregell '148 and Pereira. Applicant respectfully traverses these rejections and requests reconsideration of the claims.

Independent claim 29 requires pressure control means for creating pressure discharge in the camera. The Examiner acknowledges that the Knapp patent does not meet this limitation. The Examiner cites Kregell '204 as having pressure relief openings for the camera 108, as shown in Figure 1. The Examiner asserts that it would be obvious to use such openings as taught in the Kregell '204 in the Knapp device. However, claim 29 further provides that the pressure in the melt tank is maintained greater than the pressure in the camera such that the melt will move

from the tank upwardly through the vertical passage to the camera. In Krengell '204, the pressure in the camera 108 exceeds the pressure in the tank 98, as described at column 9, lines 53-57, opposite the requirement of claim 21. Thus, Krengell '204 uses a pump 112 to transfer the melt from the lower tank 98 to the camera 108, as described at column 9, lines 28-30. Therefore, if the teachings of Krengell '204 are combined with the Knapp device, the pressures in the Knapp tank and camera will be reversed such that the camera pressure is greater than the tank pressure, which will preclude the melt from flowing upwardly through the vertical passage to the camera, contrary to claim 21.

Therefore, since the Knapp device admittedly does not meet all the limitations of claim 21, and Knapp as modified by Krengell results in tank and camera pressures which are opposite those required by claim 21, the combination of Knapp and Krengell '204 still fails to meet the limitations of claim 21. Thus, claim 21 distinguishes over the cited references so as to be allowable. Claims 22-27 depend from claim 21 and should be allowable as depending from an allowable base claim.

Independent claim 29 requires that the camera have a pressure less than atmospheric pressure to prevent leakage of melted coating material through the product inlet and outlet. The Examiner admits in paragraph 4 that Krengell '148 does not meet this limitation. The Examiner then asserts that it is well known that pressure differentials can be used to contain materials in given locations, and therefore it would have been obvious to modify Krengell '148 to reduce the pressure in the camera to less than atmospheric pressure to ensure that coating material does not flow through the inlet and outlet. However, the camera of Krengell '148 is an open reservoir without a top, such that the pressure in the camera is not subject to control, apart from the melt tank pressure.

The Examiner's asserted motivation for making this modification is that the modification would help ensure that the coating material in the camera remained at the appropriate level and would stop excess coating material from escaping through the openings thereby helping to provide the article with a more even coating with little melt waste and loss. However, this alleged motivation for modifying the Kregell '148 camera is illusory, since any coating material flowing out the product inlet and outlet at opposite ends of the camera simply flows back into the tank 132, as is clear from Figures 2 and 3. Thus, there is no waste or loss of coating material. Furthermore, there is no suggestion in Kregell '148 that maintaining the pressure in the camera at atmospheric pressure will have any effect on the level of the coating material, as suggested by the Examiner, or would provide a more even coating on the product moving through the camera, as further asserted by the Examiner. Thus, there is no evidence to support the Examiner's asserted motivation for modifying Kregell '148. As the Supreme Court emphasized in its 2007 *KSR* decision, there must be some rational underpinning for combining or modifying references. 127 U.S. 1727, 1741 (2007). Here, there is no rational underpinning to modify Kregell '148 as suggested by the Examiner. Therefore, the modification is improper and the § 103 rejection of claim 29 should be withdrawn. Accordingly, claim 29 and depending claims 30-35 distinguish over the references so as to be allowable.

Claim 30 provides that the camera is at a lower pressure than the tank to cause melted coating material to flow upwardly through the passage from the tank to the camera. The Examiner suggests that it would be obvious to modify Kregell '148 in view of Knapp so that the pressure in the camera was lower than the pressure in the tank so that the coating material would flow upwardly into the camera from the tank. However, in Kregell '148, the camera 122 has an open top and is located inside the tank 100, such that the camera and the tank is at the same

pressure. Furthermore, Kregell '148 apparently utilizes a pump to transfer the coating material from the tank to the camera via conduit 130. The conduit 184 is simply a drain from the camera to the tank, as described at column 6, lines 62-64. The Examiner asserts that the motivation for modifying Kregell '148 to have a lower pressure in the camera and higher pressure in the tank is to alleviate the need for a pump which has limited life and to simplify the process of transporting the melt material from the tank to the camera. However, there is no evidence that such a modified process is any simpler than the pump of Kregell '148, or would have a longer lifetime than the Kregell pump. This hindsight reasoning lacks any rational underpinning, and thus fails the obviousness standard of *KSR*.

Therefore, claim 30 distinguishes over the cited references so as to be allowable.

Claim 35 requires a pressure control means including an outlet in an upper portion of the camera above the melt level to release pressure from the camera. The Examiner asserts that it would be obvious to modify Kregell '148 to include an outlet above the melt level of the camera to release pressure in the camera. However, the camera 122 of Kregell '148 is an open tank, as seen in Figures 2 and 3. Thus, an outlet in the upper portion of the camera is non-sensical. Again, this rejection lacks any rational underpinning. Therefore, this rejection of claim 35 should be withdrawn. In view of the foregoing, Applicant respectfully requests that a Notice of Allowance be issued.

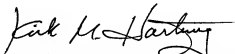
Conclusion

This is a request to extend the period for filing a response in the above-identified application for one month from January 7, 2009 to February 7, 2009. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$65.00 to cover the

cost of the one month extension. No other fees are believed to be due in connection with this amendment and application; however, consider this a request for any fees inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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